

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JIMMY L. ADKINS, KEREM BAY, LANA
BONGIOVI, CLEMENT CAMPBELL, ANGELO
CAROPOLA, ALEXANDER CIOFFI, PATRICK
H. CRAIN, DAVID CRONK, NANCY F. DEBE,
DENNIS DELUCIE, CHARLES J. ENGEL,
MATTHEW FARRELL, BENNY FAILLA,
ROBERT J. GIANI, JOHN R. LACKENBAUER,
JEAN-PARNELL LOUIS, WILLIAM J. MAHER,
MICHAEL G. MCDOWELL, WILLNER JEAN
PIERRE, JOHN ROSSI, WILLIAM R. SHANNON,
FRED H. SMITH, GARY E. SOBEK, DAMIAN
SOBERS, CARMELA SZYMANSKI, ANTHONY
TANZA, and CYNTHIA TORRES,

Plaintiffs,

-against-

GARDA CL ATLANTIC, INC.

Defendant.

Civil Action No.:

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§1332, 1441, and 1446, Defendant Garda CL Atlantic, Inc. (the “Defendant”), hereby files this Notice of Removal of the above-captioned action to the United States District Court for the Eastern District of New York from the Supreme Court of the State of New York, Queens County, where the action is now pending, and states:

1. On March 24, 2017, a Complaint entitled Jimmy L. Adkins et al. v. Garda CL Atlantic, Inc., was filed in the Supreme Court of the State of New York, Queens County, where it was assigned Index No. 3124/2017. A copy of the Complaint is annexed hereto at Exhibit “A”.

2. On or about April 11, 2017, Defendant received a copy of the Complaint at its location in Long Island City, New York. Thus, this Notice of Removal is being filed within

thirty (30) days from the date Defendant received service of the Complaint and is, therefore, timely pursuant to 28 U.S.C. § 1446(b).

3. Venue is proper under 28 U.S.C. §§ 112(c) and 1441(a) because the United States District Court for the Eastern District of New York is the federal district embracing the Supreme Court of the State of New York, County of Queens, where the action was originally filed.

4. This action is removable pursuant to 28 U.S.C. § 1441(b), because the state court action is between citizens of different states. As Plaintiffs allege in the Complaint, they are residents of Suffolk County, New York. *See* Exhibit A, ¶ 1. Defendant is a Delaware corporation with its principal place of business in Boca Raton, Florida. A copy of the Delaware Department of State: Division of Corporation's incorporation record for Defendant is annexed hereto as Exhibit "B."

5. In addition, based on the allegations in the Complaint, Plaintiffs are seeking damages in an amount exceeding \$75,000. *See* Exhibit "A." Accordingly, the jurisdictional amount is met, and this Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 by virtue of diversity jurisdiction.

6. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be served on Plaintiff's counsel.

7. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be submitted for filing with the Clerk of the Supreme Court of the State of New York, Queens County.

8. Defendant files this Notice of Removal solely for the purpose of removing the instant action and does not waive, and specifically reserves, any and all defenses.

WHEREFORE, Defendant prays that this action be removed to this Court, that this Court accept jurisdiction of this action and, henceforth, that this action be placed on the docket of this Court for further proceedings, the same as though this action had originally been instituted in this Court.

Date: April 27, 2017
Melville, New York



Lisa M. Griffith
Daniel Gomez-Sanchez
LITTLER MENDELSON, P.C.
290 Broadhollow Road, Suite 305
Melville, New York 11747
(631) 247-4700

Attorneys for Defendant